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STATE FOR AF/W, INR/AA
DOE FOR GEORGE PERSON

E.O. 12958: DECL: 10/14/2018

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SUBJECT: NIGERIA: EFCC CLARIFIES STATUS OF EX-GOVERNORS' CASES

REF: ABUJA 1645

Classified By: Acting DCM Walter Pflaumer for reasons 1.4. (b & d).

¶1. (C) Economic and Financial Crimes Commission (EFCC) Chairman Farida Waziri's response October 13 to a question on the prosecution of 31 former governors (a number provided to the press by former EFCC Chairman Nuhu Ribadu prior to the May 2007 elections) at a roundtable discussion on the adverse effect of corruption on Millennium Development Goals appears to have been taken out of context in press reports that appeared October 14. The October 14 reports quoted Waziri's statement as "I don't have 31 files; there is no *prima facie* case against them." In a press report clarifying her comments, Waziri's full quote was printed. Our sense is that it is in line with what she told the Ambassador on July 21, when she expressed disappointment with the EFCC's failure, while under her predecessor, to build strong case files. EFCC Chief of Protocol Bako Mohammed told Poloff on October 15 that the statement printed on October 14 was simply out of context. The reprint on October 15, he maintained, explains the status of the cases.

¶2. (SBU) Begin text of the full quote, as printed in the October 15 press:

In response to a question from a participant on why the EFCC has not yet prosecuted all 31 of the ex-governors, Waziri said: "We work on facts available to us and not on speculations. There are no case files on all of these people as being suggested. We are now beginning to investigate and prosecute some of them. Truthfully, I got there and what I found is what I am working with. I work on the case files I found to see if there is *prima facie* (case) evident. But if there is nothing in the case file, or there is no case file at all, there is nothing I can do other than start afresh." . . . "Therefore, there are no '31 case files on ex-governors' as claimed. Before arraigning anyone there must be facts, there must be evidence, there must be witnesses. And these things we are working on quietly to put together before we can take any of them to court."

¶3. (C) COMMENT: At present, charges have been brought against at least nine former governors. Post has no proof that there ever actually were 31 case files, as claimed by former Chairman Ribadu. Given that the statement that the EFCC was investigating 31 governors came in the run-up to the

2007 elections and that the EFCC was used by former President Obasanjo as a political tool, it is highly likely that the statement was aimed more at checking the political aspirations of several former governors than a true indication of in-depth and ongoing investigations. Although it is certainly possible Waziri is disguising a lack of political will by making charges of EFCC ineptitude against her predecessor, we do not find it entirely implausible that at least a portion of the files are either non-existent or substantively lacking.

¶4. (U) This cable was coordinated with Consulate Lagos.
Piascik